



52-15

STANLEY W. LEIGHTON, CHAIRMAN  
BURTIS S. BROWN  
THOMAS M. REYNOLDS

## BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
TELEPHONE  
WE. 5-1664

Petition of Ann D. Cliff

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:00 p.m. on April 3, 1952 on the petition of Ann D. Cliff for a special exception to the terms of Section 9-C of the Zoning By-law which would permit the house now standing at 14 Brewster Road to remain thereon with a front yard less than the required thirty feet.

Statement of Facts

On March 14, 1952 the petitioner filed with this Board her written petition in connection with her request as provided under Section 9-C of the Zoning By-law, and thereafter due notice of the hearing was given by mailing and publication.

Said Section 9-C requires that there shall be provided for every building or structure hereafter erected or placed upon any lot a front yard at least thirty (30) feet in depth.

At the hearing Thomas J. Carens, Attorney, representing the petitioner submitted a plot plan, drawn by Everett M. Brooks Co. and dated March 10, 1952, which showed the location of the dwelling on the lot. This plan shows that the attached garage encroaches into the front yard approximately eight inches, and is 29'4" from the street line. Attorney Carens stated that his client desires to purchase the dwelling in question, but because of the slight violation, it is impossible to complete the sale. He further stated that two engineers have checked the location of the dwelling and there is a difference of from 4" to 8" in their findings. However, there is an existing violation in any event.

The dwelling was originally built in 1948 and at that time the engineer did not plot the garage on the survey record submitted. For this reason the discrepancy did not appear before.

No objections were raised at the hearing to the granting of the requested exception.

Decision

It is the unanimous opinion of the Board that the slight violation of the 30-foot front yard requirement was due to error and that to require the correction of the violation would result in unnecessary hardship.


The Board of Appeal unanimously finds therefore that sufficient reasons exist for determining that a literal enforcement of said Section 9-C of the Zoning By-law would involve substantial hardship to the petitioner and that a variance can be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of said section.

Ann D. Cliff


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Accordingly, the requested exception is authorized and granted according to the plan submitted and on file.

  
S. W. Leighton

  
B. S. Brown

April 28, 1952.

  
T. M. Reynolds

*N. or f. Metropolitan Ice Co.*

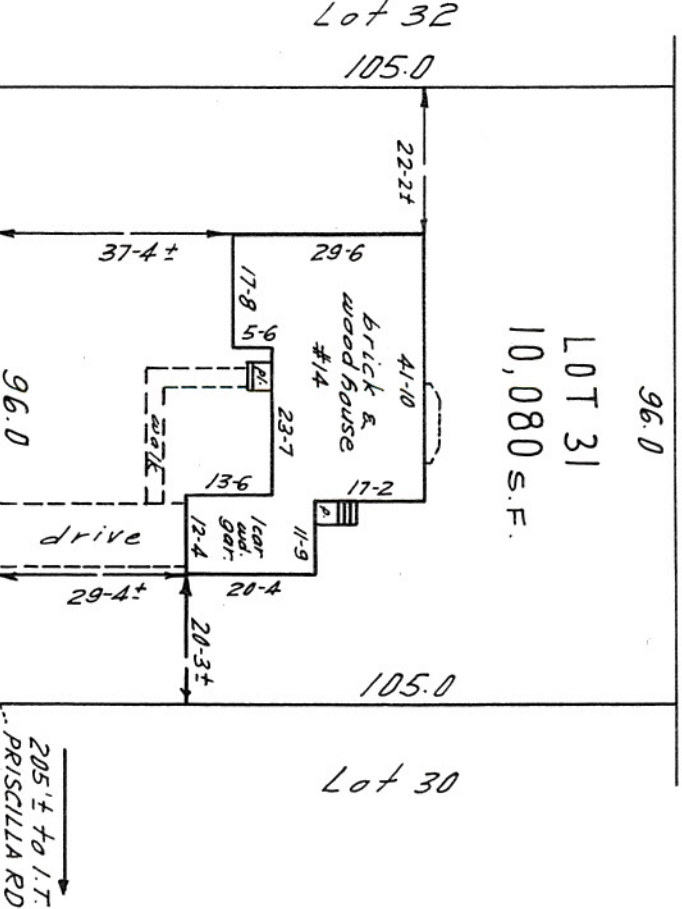
96.0

LOT 31

10,080 S.F.

Lot 32  
105.0

Lot 30



**BREWSTER RD.**

205' ± to I.T.  
PRISCILLA RD.

**WELLESLEY HILLS. MASS.**

**PLAN OF LAND  
IN**

SCALE: 1 IN. = 30 FT.

MAR. 10, 1952.

EVERETT M. BROOKS CO. — CIVIL ENGR'S  
NEWTONVILLE — MASS.

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS FOR THE USE OF THE BANK ONLY. UNDER NO CIRCUMSTANCES ARE OFFSETS TO BE USED FOR FENCES, WALLS, HEDGES, ETC.  
I hereby certify that the buildings on this property are located as shown above.  
Violation: Garage 29'-4" from Brewster Rd., should be 30'-0".

NOTE: This plan is not to be recorded.

Lot designations refer to  
Norfolk Registry of Deeds  
Book 2185 Page 564  
Plan by E. M. Brooks, C.E.  
Dated Apr. 27, 1938

APPROVED BY BOARD OF APPEAL



DATE

*Everett M. Brooks Co.*

*st 13* Surveyor